

# Interview Summary

Application No.  
09/329,917

Applicant(s)  
Cordon-Cardo

Examiner  
Jehanne Souaya

Art Unit  
1634



All participants (applicant, applicant's representative, PTO personnel):

(1) Jehanne Souaya

(3) \_\_\_\_\_

(2) Alan Morrison

(4) \_\_\_\_\_

Date of Interview Jul 9, 2002

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy is given to 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No. If yes, brief description:

Claim(s) discussed: 6-8

Identification of prior art discussed:  
none

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

The examiner indicated that claims 2-3 were allowable and that the case would be in condition for allowance if non-elected claims 6-8 were cancelled. Applicant's attorney authorized the cancelation of claims 6-8 in an examiner's amendment.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☒ It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached

*Jehanne Souaya*  
*7/9/02*

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Art Unit: 1634

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Alan Morrison on July 9, 2002.

2. The application has been amended as follows:

Please cancel claims 6-8. ✓✓

3. The following changes to the drawings are required by the examiner: Figure descriptions in the "Brief Description of the Drawings" are required for the following: Figure 1H has no description in the brief description of the drawings. Fig 2D has no description in the brief description of the drawings. Figs 9A-9F have no description in the brief description of the drawings. The headings for Figs 1-2, and 4-9 in the "Brief description of the drawings" must be changed as follows. The heading for Fig 1 in the brief description of the drawings should be changed from "Figure 1" to --Figure 1A-1H--. The heading for figure 2 in the brief description of the drawings should be changed from "Figure 2" to --Figure 2A-2D--. The same changes should be made to the heading for Figures 4-9 in the "Brief Description of the Drawings". Fig 6 is missing, a new formal drawing for Fig 6 is required. To avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

Art Unit: 1634

### **REASONS FOR ALLOWANCE**

4. The following is an examiner's statement of reasons for allowance: The claims are drawn to determining a likelihood that a prostate hyperplasia is a benign prostate hyperplasia by detecting a decrease in p27 RNA expression in a sample of hyperplasia as compared to a normal prostate sample. The claims are also drawn to determining a likelihood that a prostate hyperplasia is a benign prostate hyperplasia by detecting a decrease in p27 RNA expression in a sample of hyperplasia as compared to a normal prostate sample and further comprising determining and comparing the amount of p27 protein expressed in a hyperplasia sample and normal prostate sample. The closest prior art is that of Roberts et al (US Patent 6,316,208) which teaches and claims a method of evaluating a cancer patient's prognosis by determining the level of human p27 protein wherein a reduced level of p27 in the sample correlates with an increased risk for recurrence of a cancer. Roberts further teaches that the cancer can be prostate carcinoma. The claims are allowable over the prior art of Roberts because Roberts does not teach or fairly suggest determining a likelihood that a prostate hyperplasia is a benign prostate hyperplasia by detecting a decrease in p27 RNA expression in a sample of hyperplasia as compared to a normal prostate sample. Further, neither Roberts nor the art in general teach or suggest a correlation between expression of p27 RNA or protein in prostate carcinoma and benign prostate hyperplasia.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

Art Unit: 1634

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Jehanne Souaya whose telephone number is (703)308-6565. The examiner can normally be reached Monday-Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Jones, can be reached on (703) 308-1152. The fax phone number for this Group is (703) 305-3014.

Any inquiry of a general nature should be directed to the Group receptionist whose telephone number is (703) 308-0196.

*Jehanne Souaya*

Jehanne Souaya  
Patent examiner  
Art Unit 1634

7/22/02

*Lisa B. Arthur*  
LISA B. ARTHUR  
PRIMARY EXAMINER  
GROUP 4800-1600